

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
SEP 27 2002

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

MTP ENTERPRISES, LTD., d/b/a/ H & M
LIMOUSINE SERVICE, INC.

Defendant.

02C 6884

CIVIL ACTION NO. 02C-6884
JUDGE CONLON

COMPLAINT

MAGISTRATE JUDGE SCHENKIER

JURY TRIAL DEMAND

FILED
02 SEP 26 PM 2:30
CLERK
U.S. DISTRICT COURT

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Wayne Nelson ("Nelson") and a class of employees over the age of 40, including, without limitation, Richard Kuzynowski ("Kuzynowski"). The Equal Employment Opportunity Commission ("the Commission" or "EEOC") alleges that since at least January 2001, MTP Enterprises, Ltd., d/b/a H & M Limousine Service, Inc. discriminated against Nelson, Kuzynowski and a class of employees over the age of 40, in terms and conditions of employment and by discharging them because of their age.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938

1-1

(the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

PARTIES

3. Plaintiff, the EEOC, is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant, MTP Enterprises Ltd., d/b/a H & M Limousine Service, Inc. (the "Employer"), has continuously been doing business in the State of Illinois, and has continuously had at least 20 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. Since at least January 2001, the Defendant Employer has engaged in unlawful employment practices at its place of business, in East Dundee, IL, in violation of Section 4(a)(1)

of the ADEA, 29 U.S.C. § 623(a)(1). The practices include discriminating in terms and conditions of employment and wrongfully discharging Nelson, Kuzynowski and a class of employees over the age of 40 due to their age.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Nelson, Kuzynowski and a class of employees over the age of 40 of equal employment opportunities and otherwise adversely affect their status as employees, because of their age.

9. The unlawful employment practices complained of in paragraph 7 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from discriminating on the basis of age against individuals 40 years or older.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices described in paragraph seven (7) above.

C. Grant a judgment requiring Defendant Employer to pay appropriate back pay in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including Nelson, Kuzynowski and a class of employees over age 40;

D. Order Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to reinstatement and/or front pay.

- E. Grant such further relief as the Court deems necessary and proper in the public interest.
- F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel

GWENDOLYN YOUNG REAMS
Assistant General Counsel

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

1805 "F" Street, N.W.
Washington, D.C. 20507



John C. Hendrickson
Regional Attorney



Gregory Gochanour
Supervisory Trial Attorney



Beth A. Miller
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

500 West Madison Street, Suite 2800
Chicago, Illinois 60661
(312) 353-7722

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOISCivil Cover Sheet

DOCKETED

SEP 27 2002

02C

6884

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

JUDGE CONLON

**Plaintiff(s): EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

County of Residence:

Plaintiff's Atty: Beth Miller
Equal Employment Opportunity
Commission
500 W. Madison, Suite 2800,
Chicago, IL 60661
312-353-7722

**Defendant(s): MTP ENTERPRISES, LTD., d/b/a
H & M LIMOUSINE SERVICE, INC.**County of Residence: **MAGISTRATE JUDGE SCHENKIER**

Defendant's Atty: Robert J. Morrow
Early, Collison, Tousey,
Regan, Wlodek & Morrow
2400 Big Timber Rd., Suite
201, Elgin, IL 60123

II. Basis of Jurisdiction: 1. U.S. Gov't Plaintiff**III. Citizenship of Principal
Parties (Diversity Cases Only)**

Plaintiff:- N/A
Defendant:- N/A

IV. Origin : 1. Original Proceeding**V. Nature of Suit: 442 Employment****VI. Cause of Action: This is an action under the Age Discrimination Act to correct the
unlawful employment practices on the basis of age.****VII. Requested in Complaint**

Class Action:
Dollar Demand:
Jury Demand: Yes

VIII. This case IS NOT a refile of a previously dismissed case.

Signature: _____

Date: 9/26/02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Eastern Division

DOCKETED**SEP 27 2002**

In the Matter of

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**MTP ENTERPRISES, LTD., d/b/a H&M LIMOUSINE
SERVICE, INC.**

Defendant.

Case Number:

02C 6884
JUDGE COINLOIN

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

MAGISTRATE JUDGE SCHENKIER

<p align="center">(A)</p> <p>SIGNATURE <i>Beth Miller</i></p> <p>NAME Beth Miller</p> <p>FIRM Equal Employment Opportunity Commission</p> <p>STREET ADDRESS 500 W. Madison, Suite 2800</p> <p>CITY/STATE/ZIP Chicago, IL 60661</p> <p>TELEPHONE NUMBER (312) 353-7722</p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06203264</p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		<p align="center">(B)</p> <p>SIGNATURE <i>Gregory Gochanour</i></p> <p>NAME Gregory Gochanour</p> <p>FIRM Equal Employment Opportunity Commission</p> <p>STREET ADDRESS 500 W. Madison, Suite 2800</p> <p>CITY/STATE/ZIP Chicago, IL 60661</p> <p>TELEPHONE NUMBER (312) 886-9124</p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 06210804</p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	
<p align="center">(C)</p> <p>SIGNATURE <i>John C. Hendrickson</i></p> <p>NAME John C. Hendrickson</p> <p>FIRM Equal Employment Opportunity Commission</p> <p>STREET ADDRESS 500 W. Madison, Suite 2800</p> <p>CITY/STATE/ZIP Chicago, IL 60661</p> <p>TELEPHONE NUMBER (312) 353-8551</p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589</p> <p>MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>		<p align="center">(D)</p> <p>SIGNATURE</p> <p>NAME</p> <p>FIRM</p> <p>STREET ADDRESS</p> <p>CITY/STATE/ZIP</p> <p>TELEPHONE NUMBER</p> <p>IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)</p> <p>MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/></p>	

1-3